

Minutes of a Regular Meeting Town of Los Altos Hills PLANNING COMMISSION

Approved February 2, 2012

THURSDAY, January 5, 2012, 7:00 p.m.
Council Chambers, 26379 Fremont Road

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Collins and Commissioners: Abraham, Clow, Harpootlian and Partridge.

Absent: None

Staff: Debbie Pedro, Planning Director; Brian Froelich, Associate Planner; and Sarah Corso, Community Development Specialist.

2. PRESENTATIONS FROM THE FLOOR – none

3. PUBLIC HEARINGS-

Planning Commission Ex Parte Contacts Policy Disclosure: Commissioner Clow met with the applicant and neighbor Adler Yu for Item 3.1; Commissioner Partridge met with the applicant for Item 3.1; Commissioner Harpootlian met with the applicant and neighbors Adler Yu and Mrs. Corley for Item 3.1; Chairman Collins met with the applicant and neighbor Adler Yu for Item 3.1.

3.1 LANDS OF ABRAHAM, 12831 Viscaino Road; File #278-11-ZP-SD; A request for a Site Development Permit and Setback Variance for a 668 square foot detached garage that would encroach a maximum of 20 feet into the required 30 foot side-yard setback. The proposed garage is located adjacent to an existing 10 foot tall retaining wall and over existing paving that were both permitted in 1992. (maximum structure height 9') CEQA Review: Categorical Exemption per Section 15303 (e) (staff-Brian Froelich).

COMMISSIONER ABRAHAM RECUSED HIMSELF AS HE IS THE APPLICANT OF THE PROJECT AND LEFT THE DIAS.

Brian Froelich, Associate Planner presented the staff report. The application is a request for a setback variance for a two car garage. The property is located on Viscaino Road on 1.14 acres, and is a slightly irregular six-sided property with a down slope of 29.8 percent. The property contains a driveway easement that lends access to three other properties.

The applicant is proposing a 9 foot tall, 668 square feet garage with a flat roof. Approximately 420 square feet of the garage will be in the setback, with a maximum encroachment of up to 10 feet

from the property boundary. The proposed location of the garage is currently paved with concrete and has a retaining wall which is proposed to become the back wall of the structure.

In 1962 the home was developed on a cut and fill foundation, resulting in an exaggerated slope. The residence is at nearly a 45 degree angle to the setback, which limits the options for additions.

Commissioner Partridge asked staff about current parking requirements and if the applicant's current parking, which is located in the setback, was approved in 1992.

Associate Planner Froelich explained that the retaining wall and flat concrete surface was approved in 1992 but was not identified as parking on the approved plans. The plans from 1992 do not identify the four required parking spaces. Because the proposed project is less than 900 square feet, the property is not required to be brought up to current parking standards with this project.

Chairman Collins asked staff to address the applicant's intentions in developing additional parking and bringing the parking up to Town standards.

Associate Planner Froelich explained that the applicant is choosing to develop parking spaces on his lot. The applicant is presenting the request per number one of the variance findings. Requiring strict application of the setback policy deprives the property of privileges enjoyed on other properties in the vicinity. The current garage was converted from a carport into a garage in the 1960s and is 2 feet narrower than the Town's standards for a parking garage.

Chairman Collins asked staff to address the possibility of the applicant getting approval for a partial rooftop deck through the administrative process.

Associate Planner Froelich confirmed that the portion of the rooftop that is not in the setback could be approved for a rooftop deck through the administrative process.

CHAIRMAN COLLINS OPENED THE PUBLIC HEARING

Jim Abraham, applicant, presented his application to the Planning Commission. He has been parking his car in the paved location since he bought his home in 1978. To his knowledge, at the time the house was built there was no parking standards or designated parking areas. The retaining wall was added later to support the extraordinarily steep banks on the property. The existing garage is smaller than the minimum required conforming garage by two feet and is an impractical parking spot. He stated that his project meets all of the required findings to be granted a variance.

Commissioner Harpootlian asked the applicant about his plans for the current garage as the two parking spaces are needed to meet the Town's parking requirements.

The applicant explained that there will be a total of three parking spaces, excluding the current garage.

Commissioner Harpootlian asked the applicant if the flat rooftop of the proposed garage is intended to be additional deck space. He addressed concerns brought up by neighbors regarding antennas and the removal of vegetation.

The applicant stated that he does not intend to install antennas on the roof top of the garage and does not intend to remove any vegetation; however he said that a railing may need to be installed along the roof of the garage as a safety precaution.

Chairman Collins asked the applicant if he would consider adding a condition to the project which requires that the applicant not be allowed to add antennas to the garage or convert the roof into a deck.

The applicant explained that the condition would be tied to the property and may adversely impact the value of the property.

Chairman Collins stated that if the applicant is not willing to forego a deck and the installation of antennas on the top of the proposed garage, then the neighbors have a right to be concerned about potential future development.

The applicant stated that he is not willing to forego the potential to construct other developments on the roof of the proposed garage because he does not want to encumber the property with conditions that will follow the land. He has no intention of installing antennas on the roof of the proposed garage.

Commissioner Partridge asked the applicant if the roof, as proposed in the plans, would act as a deck with little modifications.

The applicant explained that there is currently a four foot railing that isolates access to the proposed roof top of the garage. Otherwise the roof will lack sufficient railing along its perimeter, rendering it dangerous to anyone who walks on it.

Commissioner Partridge asked the applicant how he felt about constructing a sloped roof.

The applicant explained that adding a sloped roof to a nine foot structure would increase its visibility and would be aesthetically odd as the back of the roof would feed into the hillside.

Robert Leland, son of a neighbor on La Cresta, stated that the project is a variance which encroaches onto a neighboring property. He stated that the applicant and neighbor should discuss conditions for the project. He would like for an agreement to be reached with the acknowledgement that the roof will solely be used as a roof.

Anna Yu, neighbor on La Cresta Drive, stated that she would like to see restrictions placed on the project so the garage will be nothing more than a garage. If the applicant is not willing to accept restrictions, then she and her husband do not support the variance for the garage.

Chairman Collins asked Mrs. Yu if the applicant is not willing to give up the right to come back to the Commission and ask for a variance to develop a deck, would she be amenable to the Commission asking the applicant to develop a sloped roof which would be slightly more visible.

Adler Yu, neighbor on La Cresta Drive, stated that he does not want to see the project gradually grow into other projects. He stated that he supports his neighbor building a garage, but does not support the possibility of his neighbor being approved for other variances to do more work to the garage. He would be agreeable to a slightly sloped roof on the garage even if it is slightly more visible.

Commissioner Partridge asked staff how placing a restriction on future modifications to the structure would impact the applicant in the instance he needs to pull a permit for maintenance.

Debbie Pedro, Planning Director explained that one mechanism could be to place a deed restriction on the property. This could be written in a way that allows maintenance to be done. Another more common mechanism which the Town has used in the past is to add a condition to the project specifying that a roof deck is not approved on the structure and the owner would need to apply for a variance for any future development to the structure.

The applicant clarified that no part of his project is encroaching into his neighbor's property, the structures will have minimum visual impacts to the neighbors, and he does not have the intent at this time to develop a deck. He believes that the consideration of deed restrictions is inconsistent with Town precedent. He read from a State publication from the Governor's Office of Planning and Research, which states that conditions applied to a variance must have an essential nexus to some legitimate public need or burden created as a result of the variance approval. He believes that this does not exist.

Commissioner Clow asked the applicant how he feels about incorporating a sloped roof.

The applicant stated that he is not opposed to constructing a sloped roof. Sloping the roof from south-east to north-west would resolve many of the drainage problems.

Commissioner Clow also asked the applicant if he would be opposed to adding a condition to the project that restricts the placement of antennas on the roof.

The applicant stated that he is not opposed to such a condition.

CHAIRMAN COLLINS CLOSED THE PUBLIC HEARING

Commissioner Harpootlian stated that there are many properties in Town with unique conditions where a variance is appropriate. He believes the applicant's property has unique conditions. He does not see the need to place a deed restriction against the property, but does support adding a condition of approval to the project which will restrict future development to the proposed garage.

Commissioner Clow stated that the applicant's lot is extremely constrained and supports granting the variance. He acknowledged that the applicant has parked his cars in this location for about 20 years, which was permitted at the time of development. The applicant is simply requesting to place a roof on top of them.

Commissioner Clow explained that the structure will be a visual nuisance to the neighbors but stated that the concerns of the neighbors about the potential for future development is legitimate.

When speaking with the neighbors, they agreed that a condition should be added to the project stating no antennas or rooftop decks shall be constructed on the garage, and the roof of the garage should be sloped, not flat. He does not support a deed restriction being placed against the property.

Commissioner Partridge stated that there are two main aspects to the application. The first is to identify if there is a rational need for the variance. He is reasonably convinced that the property is constrained and the current layout of the property does not allow for other opportunities to create a garage, which is a reasonable amenity to have. The other aspect is the opinions of the neighbors. The applicant is asking for an exception to the Town's setback regulations which acts as a buffer for the neighbors. As currently proposed, he believes the roof will result in minimal visual impacts for the neighbors. He supports giving the roof a slight slope; and the addition of conditions prohibiting future development on the roof as it would clearly identify the intent of the Commission to approve the garage without other features being added to or proposed in future variance request applications.

Chairman Collins agreed with her fellow Commissioners. She would like staff to include a condition of approval to the project which identifies that if a variance were to be granted, it would strictly pertain to constructing the garage with a sloped roof. The garage is to be solely used as a garage without the addition of a roof deck or placement of antennas.

As conversation ensued, the Commission discussed adding conditions to the project that would require the roof to be sloped, adding a minimum of six inches to the structure; clearly state that the current permit does not include the use of the roof as a deck; no additional building above the agreed upon height; and no antennas or antenna systems can be placed on the structure.

Director Pedro reiterated the condition to be added to the project which identifies that the applicant agrees to not install antennas, use the roof as a roof deck, or install railings other than what is required by building codes. Also, the roof should be sloped a minimum distance of six inches and the applicant will work with staff on the details.

MOTION MADE, AMENDED, SECONDED, AND PASSED BY CONSENSUS:

Commissioner Clow made a motion. The Commission first addressed the Recommended Findings for Approval of a Setback Variance, in Attachment 2 of Item 3.1, of the January 5, 2012 staff report.

Commissioner Harpootlian expressed concern for the language in the third paragraph of the first finding in Attachment 2 and suggested striking the paragraph from the document.

~~*The requested encroachment into the setbacks to accommodate a conforming two-car garage would permit the site to accommodate the required number of covered parking spaces.*~~

Commissioner Clow amended the motion to strike the third paragraph from the first finding in Attachment 2 of the staff report. The motion was seconded by Commissioner Harpootlian.

AYES: Commissioners: Clow, Harpootlian, Partridge, and Chairman Collins

NOES: None
ABSENT: None
ABSTAIN: Commissioner: Abraham

MOTION MADE, SECONDED, AND PASSED BY CONSENSUS:

Commissioner Clow moved to approve the requested site development permit and setback variance per the required findings in Attachment 2 and the conditions in Attachment 1. Two conditions will be added to the conditions of approval for the project. 1) The conditions will state that no roof decking, antennas, or non-required railings are approved on the structure. 2) The garage roof shall be sloped such that it adds a minimum of six inches to the height of the structure. Staff will work with the applicant to identify a design that is feasible. Seconded by Commissioner Harpootlian.

AYES: Commissioners: Clow, Harpootlian, Partridge, and Chairman Collins
NOES: None
ABSENT: None
ABSTAIN: Commissioner: Abraham

COMMISSIONER ABRAHAM RETURNED TO THE DIAS.

4. OLD BUSINESS – none.

5. NEW BUSINESS –

Director Pedro explained to the Commission that there will be two Planning Commission meetings in February; the regular meeting on February 2 and a special meeting tentatively scheduled for February 23, 2012. The meeting on February 23 will pertain to the Arastradero Trails Improvement Project. Staff is hoping to have another public information meeting for neighbors prior to the special meeting.

Commissioner Abraham expressed his support for having an informational meeting prior to the special meeting on February 23rd.

Commissioner Harpootlian requested that Richard Chiu, Director of Public Works and City Engineer, report to the Commission at the regular meeting on February 2, 2012, regarding the Arastradero Trails Improvement Project. The Chairman and all Commissioners concurred.

Director Pedro told the Commission that she would discuss the status of the project with Director Chiu and add the item to the next Planning Commission agenda under old business.

6. REPORTS FROM CITY COUNCIL MEETINGS

- 6.1 Planning Commission Representative for December 7 – Commissioner Harpootlian
- 6.2 Planning Commission Representative for January 19 – Chairman Collins
- 6.3 Planning Commission Representative for February 16 – Commissioner Clow
- 6.4 Planning Commission Representative for March 15 – Commissioner Partridge

7. APPROVAL OF MINUTES

7.1 Approval of December 1, 2011 minutes.

MOTION MADE, SECONDED, AND PASSED BY CONSENSUS: Motioned by Commissioner Abraham and seconded by Commissioner Clow to approve the December 1, 2011 minutes, as corrected.

8. REPORTS FROM FAST TRACK MEETING – none.

9. REPORTS FROM SITE DEVELOPMENT MEETINGS – DECEMBER 6 AND DECEMBER 13, 2011

9.1 LANDS OF DINSMORE; 26905 Orchard Hill Lane; File #255-11-ZP-SD; A request for a Site Development Permit for a 672 square foot first and second floor addition and remodel (maximum height 26'). CEQA review: Categorical Exemption per Section 15301 (e) (Staff-Brian Froelich).

9.2 LANDS OF KACIN; 25611 Vinedo Lane; File #258-11-ZP-SD; A request for a Site Development Permit of a landscape screening plan for a 5,844 sq. ft., two story residence new residence approved on May 7, 2009. CEQA review: Categorical Exemption per Section 15304 (b) (Staff-Brian Froelich).

10. ADJOURNMENT

The meeting was adjourned by consensus at 9:00 p.m.

Respectfully submitted,

Sarah Corso
Community Development Specialist

The minutes of the January 5, 2012, Planning Commission meeting were approved as corrected at the February 2, 2012, Planning Commission meeting.